

D2 C2
concl'd

said second dimension of said surface layer along said second axis being
5-18 cm.

17. (Twice Amended) A support device for supporting tissues overlying a first and second nasal passage of a horse, said device comprising;

- C3
D3
- a first side piece for applying over said first nasal passage;
 - a second side piece for applying over said second nasal passage; and
 - a bridge piece having a first lateral region and a second lateral region for [selectively] attaching and detaching said first lateral region to said first side piece and said second lateral region to said second side piece with a selected amount of tension, said bridge piece being non-elastic. - new matter
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Remarks

The present application is a continued prosecution application of U.S. Serial No. 09/264,464, filed March 8, 1999, which is a continuation-in-part of U.S. Serial No. 09/018,603 (now U.S. Patent No. 6,033,422), filed February 4, 1998, which is a continuation-in-part of U.S. Serial No. 08/843,741 (now U.S. Patent No. 5,913,873), filed April 21, 1997.

The present Preliminary Amendment enters amendments responsive to the Examiner's rejections made in the Final Office Action mailed December 20, 2000, in the parent application.

The present application also enters amendments discussed with the Examiner during an Examiner Interview on February 7, 2001, further discussed below. Applicants also submit herewith an Information Disclosure Statement and Form 1449 listing four additional references for the Examiner to consider.

Examiner Interview Summary

Applicants' below-signed representative conducted an in-person interview with Examiner Glenn Dawson on February 7, 2001. The Examiner is thanked for his constructive comments during the interview. Claims 1 and 17 have been amended in response to the interview.

Rejections Under 35 U.S.C. §102

The Examiner rejected claims 1-4 and 9 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,718,224 issued to Muchin (the '224 patent). As amended, independent claim 1 now makes clear that the center transverse dimension along the center transverse axis of the claimed device is greater than any other transverse dimension of the device. Accordingly, it is respectfully submitted that this amendment clearly distinguishes the claimed invention over the prior art.

The remaining claims rejected under 35 U.S.C. §102(e) are dependent from independent claim 1. Applicants' maintain that each of the rejected dependent claims are patentable over the art of record. However, in view of the amendment to independent claim 1, further discussion regarding the independent patentability of the dependent claims is believed to be unnecessary.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 5-8, 10, 11, 13-16 and 21-23 under 35 U.S.C. §103 as being unpatentable over the '224 patent in view of U.S. Patent No. 5,533,499 issued to Johnson. In view of the amendments made to independent claim 1 (discussed above) and independent claims 10 and 17, this rejection is respectfully traversed.

With regard to independent claim 10, this claim clearly recites dimensions suitable for a horse, not a human. Nothing in the prior art of record teaches or motivates such a support device configured for a horse. Accordingly, as the rejection is applied to independent claim 10 and claims dependent therefrom, this rejection is respectfully traversed.

Furthermore, Applicants maintain that each of the claims dependent from independent claim 10 are also independently patentable over the art of record. However, in view of the amendments to independent claim 10, further discussion regarding the independent patentability of the dependent claims is believed unnecessary.

The Examiner also rejected claims 17-19 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,890,486 issued to Mitra et al. This rejection is traversed. In addition, independent claim 17 has been amended to clarify that the claimed device is for supporting nasal tissues of a "horse" and provides for a "selected amount of tension" to be applied to the claimed support device. Claim 17 also recites that the claimed "bridge piece" is "non-elastic." Applicants submit that none of the art of record teaches, suggests or otherwise motivates such a support device.

In addition, Applicants do not acquiesce to the Examiner's rejection of claims 18 and 19 which depend from dependent claim 17. However, in view of the amendment to independent

claim 17, further discussion regarding the independent patentability of claim 17 is believed to be unnecessary.

Also, Applicants have submitted four additional references herewith which should be considered by the Examiner.

Information Disclosure Statement

An Information Disclosure Statement is provided herewith listing four additional references to be considered by the Examiner.

Summary

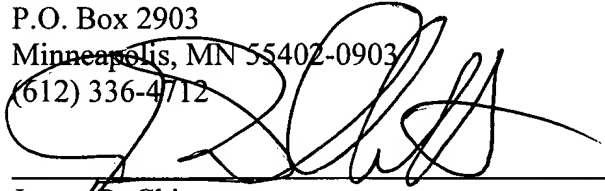
It is respectfully submitted that each of the presently pending claims (claims 1-11, 13-19 and 21-23) are in condition for allowance and notification to that effect is requested.

The Examiner is invited to contact Applicants' representative at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

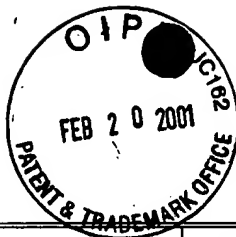
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(612) 336-4712

DATE: 2/26/01



James R. Chiapetta
Reg. No. 39,634





CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS: 21 -20	1	x	\$9	\$9.00
INDEPENDENT CLAIMS 3 -3	0	x	\$40	\$0.00
			BASIC FILING FEE:	\$355.00
			TOTAL FILING FEE:	\$364.00

- ☒ Small entity status is claimed pursuant to 37 CFR 1.27.
3. ☒ Payment of fees:
☒ Attached is a check in the amount of \$ 364.00.
☐ Please charge Deposit Account No. 13-2725.
4. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
5. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
6. ☐ The certified copy has been filed in prior application Serial No. , filed .
7. ☒ The prior application is assigned of record to WinEase LLC located at Eagan, Minnesota.
8. ☒ The Power of Attorney in the prior application is to:

Merchant & Gould P.C.
Minneapolis, MN 55402
(612/332-5300)
9. ☐ A petition and fee to extend the term in the prior application until are enclosed herewith.
10. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
11. ☒ Also Enclosed: Information Disclosure Statement, Form 1449 and 4 cited references
12. ☒ Address all future communications to the Attention of **Bruce E. Black** (may only be completed by attorney or agent of record) at the address below.

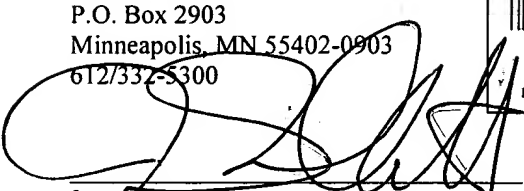
13. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612/332-5300



Date: 2/20/01


James R. Chiapetta
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